

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, AUGUST 28, 2018**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEMM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Law Director Horvath, Recreation Director Elliott, Service Director Gardner, Building Commissioner Hurst, Finance Director Cingle (7:14 p.m.) and Engineer Piatak (7:30 p.m.).

DISCUSSION:

1. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTIONS 4.01 AND 4.02 OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Orcutt, Scott and Stemm

Councilman Poindexter - Point of Order

Mr. Vecchio - What is your point?

Mr. Poindexter - Looking at this Ordinance it seems there are two subjects within this Ordinance and looking at the Charter on page 11 states 'No Ordinance or Resolution shall contain more than one subject and would like to make sure this Ordinance is in proper form before moving forward.

Mr. Vecchio deferred the question to the law director.

Mrs. Horvath stated there was a lot of work put in drafting this legislation and one of the things done was run it twice by the Board of Elections. The first draft was two different Ordinances that I believe is fine and the second draft combines both sections that I believe is also fine. Because it speaks of the same grouping or Charter area by talking about the number of Councilmembers, election of the Council President and in 4.02 talks about the ability of the Council President to vote. This is similar to the bond issue recently passed that had a number of different things in it but all interrelated. I think this is appropriate and would not violate the one subject rule. Also, there are some amendments suggested by the Board of Elections.

Mr. Poindexter disagreed because in one area Council is voting to reduce the size of Council and then on a whole different subject Council is granting authority to the Council

Discussion:

President to vote; while they are in the same section they are two totally different issues. In Section 2 has a ballot issue for one ballot item and Section 4 lists another ballot item, that tells me it's two separate items and would be more comfortable if it was in two separate ordinances.

Mrs. Horvath stated one of the concerns of the Board of Elections in submitting these as two different pieces because they are so related. Is you could have one pass and one fail that would be a problem. The Board of Elections advise was that this would be best presented as one piece and put on the ballot that way. A legal opinion could be given but based on my analysis and the Board of Elections this Ordinance appears to be fine.

Mr. Poindexter stated the Ordinance is saying its two separate questions and two separate items on the ballot. In essence, the way this is written could potentially a win-lose, lose-win or both could be a win or loss on the ballot; I think that possibility exists that one might pass or one might fail of vise-versa. Do you agree with that?

Mrs. Horvath responded no, I would not, my opinion is this is fine the way it is can't recall the legal case that states there are exceptions to the one subject ruling if things are inter-related.

Mr. Poindexter stated if this were to pass would there be one item on the ballot or two separate items on the ballot?

Mrs. Horvath responded I believe this is being done so there wouldn't be two separate items on the ballot, it would be one. The way it was done before there would be two separate items with the possibility of one passing and the other failing and possibly have a problem. I will confirm that with the Board of Elections and get that to you.

Mr. Poindexter commented stated that confirmation should be received prior to moving forward with this legislation.

Mr. Salvatore stated the original Ordinance was drafted as two separate Ordinances covering both sections of the Charter. When forwarded to the Board of Elections for approval of the language, at that time the recommendation was to consolidate into one. For the very reason that there were some issues in other parts of the state that had similar situations and totally messed up whole election. So the Board of Elections decided when there is more than one change required to make a Charter change in cases where one compliments the other both are needed. The language would be approved setup in one vote, that could go the other way also with the outcome being the same. To avoid any confusion and working hand-in-hand with the Board of Elections I think we should follow their recommendations because they create the ballot language.

Discussion: cont.

Mr. Mencini stated there was a similar piece relating to this that Council defeated at the last meeting. Last year, I voted for a pay reduction with other Councilmembers, my concern is with the timing and do like that this goes to the public. There is a Charter Review Commission up for election in November and asked what is the time essence of this now? The City of Brook Park has lost residents, no doubt, but there is good representation in this city.

Mr. Burgio commended Mr. Salvatore for trying to streamline government and reduce the cost to the city of \$15,000. However, I have some qualms about this legislation because I don't like to see any reduction in representation for the people. There have been issues on the ballot in the past and the one defeated last week, I think, was more favorable than this one because it included five at-large Councilmembers; more representation for residents to talk to. This piece reduces representation by one saving \$15,000 and am not saying that's an insignificant amount of money but don't know if that should be done at the expense of people losing representation. A few years back Mr. Salvatore and I sponsored legislation reducing Council's salary by \$5,000 and am not opposed to reducing salaries. A few years back there was a ballot issue of making the city into five wards and eliminating three Councilmembers and think that severely restricted representation and was voted down by the voters.

Mr. Orcutt stated when looking at this a few years ago sitting in the audience I was for streamlining of City Council. Because when looking at all the city services that are provided to the residents and the costs it takes to operate police, fire, paramedics, parks and sewers. I saw it as a cost-savings that maybe could be prioritized and work on the sewers a little more or something of that nature. Sitting up here, as a Councilman, the most difficult part is meeting with the residents to find out what the issue is. Notify the Mayor of the problem and continually tell the resident that it's on the list and will be resolved. This is the beginning and starts with Council and we need to streamline all of city government to see where we can become more efficient to provide services to our residents daily.

Mr. Stemm stated at the beginning of the year Mayor Gammella produced a very lean budget and presuming next year will be the same. We are elected to make decisions that are both popular and unpopular. With this piece I feel that we will provide the city the same service with representation, the same outcome, the same efficiency in city government, however, there will be a \$15,000 cost-savings.

Mr. Scott stated I've been on the past two Charter Review Commissions for 2006 and 2013 and both Charter Review Commissions recommended to Council a reduction down to five Councilmembers. This legislation for some unknown reason the Charter Review Commission members serving in 2006 did not bring the piece to be worked on. This is a streamlining issue and very unobtrusive to the Charter and upcoming in 2020 there will be the possibility of redistricting. The Charter Review Commission meets next year and

Discussion: cont.

they may recommend to reduce Council one more member. The 2013 Charter Review Commission recommended five Ward Councilmembers and one Council President. This reduced one Council at-large and when the original Council was formed this city had 33,000 residents and last year there were 18,960 some, so there's been a huge reduction of residents' in the city, I don't believe there will be reduction for representation for the residents. Being a ward leader my phone doesn't stop ringing and can't vouch for the Council at Large with the number of their phone calls. When Council pay cuts were brought up I was in favor and the former Mayor said he would veto is that passed. This is something that I've talked about my first year running and believe there should be Council reduction. Reduced by five, don't know, and should wait to see what the Charter Review Commission deems what is necessary. \$15,000 may not sound like a lot but Council's job is to be financially responsible to the city's residents and that is \$15,000 going back to the city's coffer. That is why I've supported it and supported a Council reduction for 12 years plus.

Mr. Poindexter stated I am all for the public making their choice on this but I want to bring them something that makes sense, to me this makes no sense. First of all, it was brought at the last possible minute and if was so important it would have been brought without special meetings to be discussed. Secondly, the city may be down in population but the households are the same and that population could turnover just as fast as it slid. We need to be prepared for the upswing of Brook Park and think the population is going to influx in the opposite direction and we need to be ready. We don't need to cut back on representation because currently the way things are there is one Council-At-Large for every 6,300 residents, cut that in half that is one for every 9,500 residents. I don't think this is good legislation the way it's written and wonder if these numbers would add up with reducing the wards to three, divide the city up by thirds instead of fourths. There is more discussion that is needed this system has been in place for over 50 years and it now it has to be rushed through. This Council has been up here a long time doing things this way and think some traditions need a lot of discussion before any changes.

Mr. Salvatore respects my colleague has said but don't see this being rushed through, this has been talked about for many years but the votes didn't come together. The movement, at one time, was to reduce three people and that didn't go over very well. This is the beginning, the first step of a mild journey, with the least amount of movement or change in the Charter, the least amount of opportunity for mistake and brings the largest reward. The President of Council's main job is to call the meeting to order and close and serve as Mayor when the Mayor is not available if a major catastrophe happens and think the Mayor should be elected by the people for that very reason. The other way is to eliminate the Council President and let the Council choose the next Council President. To eliminate one at-large representative still provides for the majority Members of Council to be elected by the residents of this community. That will allow for the President of Council to vote and not only call the meeting to open or close. These jobs are a privilege and are earned positions and don't anything wrong with this and there

Discussion: cont.

were meetings that were cancelled where this topic could have been discussed. Due to the sensitivity of this matter and in discussions with the law director and Board of Elections to make sure this was correct to form due, to the fact, there have been so many changes throughout the state in ballot language for this very purpose. I think to tweak this is heading in the right direction and the first step of many other areas that should have a good hard look at.

Mr. Mencini stated the problems in the city aren't going to be fixed with a reduction of \$15,000 but it's a start and agree with Mr. Salvatore there is a lot that need to start being looked at. Mr. Mencini agreed with Mr. Scott that a lot of calls are received and don't want that burden thrown on five people, this is an aging city with a lot of problems and less workforce.

Mr. Vecchio commented in looking this over each of these seats are earned by hard work as Mr. Salvatore stated. Council is elected by the 12,242 registered voters with Everyone up here has opted to run to make a difference I, myself, look at the Council President seat as a necessity to be an unbiased position; sort of the liaison between city management and Council. There are other cities that have voting Council Presidents but don't know if the position, given that ability, is then unbiased. What's to say that position now becomes one that is for the best interest and not agenda-laden. I'm not opposed to it thought about both sides through the years and personally don't have an issue and think the voters should make that choice. My opinion is that the Council President position should be an unbiased position.

Mr. Poindexter agreed with Mr. Vecchio and stated this relates to the recommendations received and still appears that there's going to be two separate questions on the ballot, the way it's written, potentially having the issue that one passes and one doesn't. If that's the case, there's going to have to be a lot of amendments to the Charter in Sections 4.08 and 4.09 dealing specifically with Councilmembers relating to the way the votes go now with seven voting members.

Mr. Salvatore thinks what was just received from the law director is the final version discussed with the Board of Elections with proper amendments. I, quite frankly, agree with everyone up here and the sentiment is to let the people decide.

Motion by Mr. Salvatore, supported by Mr. Scott, to substitute the document provided by the law director and Board of Elections recommendations to place on tonight's Council's agenda under First Reading.

ROLL CALL: AYES: Salvatore, Scott, Orcutt Stemm.

NAYS: Burgio, Mencini, Poindexter. The motion carried 4-3.

Mr. Vecchio stated this will appear under M-1 as Ordinance No. 11037-2018.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTION 101.08 (d) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED `CHARGES FOR SERVICE REQUESTS; COPIES OF CITY RECORDS AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio

Mr. Poindexter expressed concerns with letters e and g in Section 1 having similar meanings, is there a difference between all other records and documents in black and white?

Mr. Vecchio responded the records would be public records and documents would be, for instance, having a resident coming up and requesting copies to be distributed to everyone of what they will be speaking on at a meeting.

Mr. Poindexter clarified if it costs more to make one than others?

Mr. Vecchio responded these are line-items that I looked at from different cities and is up to Council's discretion.

Mr. Poindexter disagreed with Mr. Vecchio and quoted from the Ohio Sunshine Laws, Chapter 2, Section 12 clearly says at cost for the actual cost of making copies.

Mr. Vecchio stated the actual cost is the breakdown provided from Ace Business Solutions, who provides the city's copiers. The cost ranges anywhere from \$.035 to \$.76 per copy across the board. Then taking the cost incurred for paper, copier and whatever is entailed; so everyone is between \$.05 or \$.25 in our surrounding areas i.e. Avon Lake, Broadview Hts., Westlake, Strongsville, etc. Looking at those costs the city's charges are in the middle and it's now at Council's discretion. In speaking with Attorney General DeWine's office they are unable to provide legal advice and recommended speaking with the city's law director. With the email transmissions you had issues with at the last meeting I spoke with the city's law director to simplify the matter due to the pre-1995 document from the Council office that is still in paper documents and have not been converted electronically. The law director and I spoke about reducing that charge to \$0.2 for those pages, there is not a stipulated amount for cost. The actual cost would be determined upon how many pages per request for printing, copied or scanning or how many pages go through an office on a given annual basis; 97,000 was deemed by Ace just for the Council office in 2014.

Mr. Poindexter commented he is not opposed to charging for copies and things of that nature but wants to make sure that the new charge is legal and proper.

Mr. Stemm stated to Mr. Vecchio with the email transmission of scanning of 20, 30, 40 documents at a time is electricity and maintenance on the hardware of the machine factored into that cost?

Legislative Committee - Chairman, Mencini, cont.

Mr. Vecchio thinks that should be factored into that with that many coming through for a 20-page document would be scanned in and sent via email.

Mr. Salvatore asked if the law department and clerk were able to verify the numbers?

Mrs. Horvath responded, unfortunately, the clerk was skipped and instead Mr. Vecchio and I looked at these charges and by looking at the different cities and State of Ohio. The email charge seems appropriate and reducing it to \$0.2 gives the records requester an extra benefit. The clerk and I didn't get a chance to sit down to look at these but looking at the other cities charges feel this is the range and would be surprised if anyone had cause for complaint.

Mr. Salvatore clarified the clerk was not included and this was between the law director and Council President taking the time to verify these numbers.

Mrs. Horvath concurred.

Mr. Vecchio stated equivalently, yes.

Mr. Poindexter stated one more question with the email transmission. Would that include Council meeting agendas being sent or financial documents?

Mr. Vecchio responded that's a good point and we shouldn't be sending them out in the first place because they are on our city's website. If a resident needs them they can be directed to the website instead of the offices doing that.

Mr. Poindexter clarified if that is a yes for meeting agendas and financial reports?

Mr. Vecchio stated if they are printed off the answer is yes, if they're being emailed to them because they are already housed electronically, then no. But, like I said there is no reason those residents shouldn't be directed to go to the city's website where those documents are housed and visible.

Mr. Mencini commented is this going to be for all departments?

Mrs. Horvath responded I would certainly think this would be streamlined to all departments with regards to the cost.

Mr. Salvatore stated any requests made for documents relative to the city would have to go through the Mayor's office or Law Department. So all charges that may be incurred as a result of this legislation would be universal, is that correct?

Legislative Committee - Chairman, Mencini: cont.

Mrs. Horvath responded yes and no, I think the charges should be universal but there's many records requested that the law department and Mayor's office don't actually look at i.e. motor vehicle accident reports. The law department gets a one-page explanation of a particular report requested that is then put on the books to fulfill our obligation to keep tracks of records requested and responses provided. If it is a request to the law department I look at that request and fulfill but if it's a request to another department that may be problematic is referred to my department.

Mr. Salvatore stated the records being supplied by the safety forces wouldn't be included in this legislation?

Mrs. Horvath responded the safety forces have their own fees, at this point, and would assume that if this is to be changed those fees would be streamlined; many cities sent them electronically that seems to be the new trend. I would think the Mayor's office would want to streamline so that all costs are similar.

Mr. Salvatore asked Mrs. Horvath if her recommendation would be to hold up on this until everyone is in agreement?

Mrs. Horvath responded I think enough has been presented with regards to the various costs and could move forward. There has been good argument that there's been due diligence and see no problem with moving forward.

Mr. Mencini commented this may bring the city up to where other municipalities are and there's no net profit here. Mr. Mencini asked how often are records requests received daily, weekly or monthly?

Mrs. Horvath clarified to all city departments?

Mr. Mencini concurred.

Mrs. Horvath commented she's never taken the time to count how often for the one-page synopsis that is received daily to the law department and when received by the department are placed in a folder. Most likely they are from the police department not only for accident reports but also for criminal matters with Berea Municipal Court. Most requests are police and fire followed by Council and the Mayor's office. I would say that this year there are fewer records requests than 2016-2017 throughout the city.

Mr. Poindexter stated to Mr. Vecchio is the CD packaging in addition to the cost of the CD?

Mr. Vecchio responded yes, the covers don't come with the CD's, it's a separate item.

Legislative Committee - Chairman, Mencini: cont.

Motion by Mr. Poindexter, supported by Mr. Stemm, to amend letter 'i' email transmission from \$0.5 to \$0.2.

Mr. Salvatore asked does that reflect the actual cost?

Mr. Vecchio responded it's a reduction for the item to be scanned through and emailed, the actual cost would be the \$0.5, as the law director explained.

Mr. Poindexter stated that's where I'm unclear I thought that was the actual cost.

Mr. Vecchio continued that is where the law director and I spoke and because it's being emailed through that is the actual cost for paper and everything else.

Mr. Poindexter rescinded his motion as well as Mr. Stemm rescinded support.

Motion by Mr. Scott, supported by Mr. Salvatore, to place on the Council agenda immediately following under First Reading.

ROLL CALL: AYES: Scott, Salvatore, Poindexter, Mencini, Stemm, Orcutt, Burgio
NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under letter M-3 as Ordinance No. 11038-2018.

There being no further business to come before this meeting a **motion** by Mr. Stemm, supported by Mr. Mencini, to adjourn.

ROLL CALL: AYES: Stemm, Mencini, Poindexter, Salvatore, Scott, Burgio, Orcutt
NAYS: None. The motion carried.

Council President Vecchio declared this meeting adjourned at 8:00 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *September 18, 2018*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

